

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MARK TOBIAS §
VS. § CIVIL ACTION NO. 1:23cv43
WARDEN, USP BEAUMONT §

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Petitioner Mark Tobias, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion for summary judgment be granted and the petition denied pursuant to Federal Rule of Civil Procedure 56.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections to the Report and Recommendation have been filed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge [Dkt. 7] is ADOPTED. The motion for summary judgment [Dkt. 4] is GRANTED. A final judgment shall be entered denying the petition.

SIGNED this 3rd day of October, 2023.



Michael J. Truncale
United States District Judge